

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JORDAN SCHNUR,	:	
Plaintiff,	:	Civil Action No. 2:22-CV-01621
vs.	:	
JETBLUE AIRWAYS CORPORATION,	:	
Defendant.	:	

**DEFENDANT'S MOTION TO DISMISS THE FIRST AMENDED CLASS
ACTION COMPLAINT UNDER FEDERAL RULES OF CIVIL
PROCEDURE 12(b)(1), 12(b)(2) AND 12(b)(6)**

Defendant JetBlue Airways Corporation (“JetBlue”), by and through the undersigned counsel, hereby moves to dismiss Plaintiff’s First Amended Complaint in its entirety pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(2), and 12(b)(6). In further support of this motion, JetBlue relies on its Memorandum of Law in Support of its Motion to Dismiss the Class Action Complaint and its Request for Judicial Notice and the exhibits thereto.

JetBlue moves to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(1) because Plaintiff has not established a concrete harm arising from JetBlue’s alleged recording of his non-substantive interactions on the website www.jetblue.com that could satisfy his burden to show an injury in fact under Article III. JetBlue moves to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(2) because Plaintiff has not alleged that his claims arise from any conduct by JetBlue that is targeted to Pennsylvania, and the operation of a website that is available nation (and world) wide is not sufficient. JetBlue moves to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) because Plaintiff has not alleged sufficient facts to state a claim 18 Pa. Cons. Stat. § 5702

or for intrusion upon seclusion, and his express consent to JetBlue's use of software to record his website interactions bars his claims as a matter of law.

JetBlue's Certificate of Conferral accompanies this motion.

JetBlue requests oral argument.

GREENBERG TRAURIG, LLP

Dated: March 31, 2023

/s/ Joel Eads

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Attorneys for defendant JetBlue Airways Corporation

CERTIFICATE OF CONFERMENT

Counsel for Movant hereby certifies that she has made a good faith effort to confer with Plaintiff's Counsel to determine whether the pleading deficiencies identified in its Motion to Dismiss Class Action Complaint may be cured by amendment.

GREENBERG TRAURIG, LLP

Dated: March 31, 2023

/s/ Rebekah S. Guyon

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CERTIFICATE OF SERVICE

I, Joel Eads, hereby certify that on this 31st day of March, 2023, I caused a true and correct copy of the foregoing Motion to Dismiss to be served via this Court's ECF filing system on all counsel of record.

s/ Joel Eads

Joel Eads, Esq.